

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-38-02 Amended**

4
5 **Introduced by Mayor Moyer**
6

7
8 **AN ORDINANCE** concerning
9

10 **THE CONVEYANCE FROM THE CITY OF A PORTION OF REAL PROPERTY**
11 **FRONTING PARTIALLY ON COLONIAL AVENUE IN EXCHANGE FOR**
12 **THE CONVEYANCE TO THE CITY OF A PORTION OF REAL PROPERTY**
13 **LOCATED AT 15 COLONIAL AVENUE**
14

15 **FOR** the purpose of conveying by special warranty deed the City's right, title and interest
16 in 3,300 square feet, more or less, of real property fronting partially on Colonial
17 Avenue in the City of Annapolis, more particularly described as Lot 1 as shown on
18 a plat entitled "Knighton Parking Garage, Subdivision for the City of Annapolis"
19 recorded among the land records of Anne Arundel County, Maryland as Plat No.
20 12741 in Book 244, page 14, in exchange for the conveyance to the City by special
21 warranty deed of all right, title and interest in 320 square feet, more or less, of real
22 property located at 15 Colonial Avenue in the City of Annapolis, more particularly
23 described in a deed dated February 25, 2000 recorded among the land records of
24 Anne Arundel County, Maryland in liber 9676, page 434, which conveyance will be
25 subject to a written lease from the City to the owners of said real property for the
26 use of the entire area conveyed; providing for these conveyances to occur by
27 private sale; and all matters relating generally to these conveyances and said
28 lease.
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31
32 **WHEREAS,** the City owns in fee simple real property fronting partially on Colonial
33 Avenue in the City of Annapolis, more particularly described as Lot 1 as
34 shown on a plat entitled "Knighton Parking Garage, Subdivision for the City
35 of Annapolis" recorded among the land records of Anne Arundel County,
36 Maryland as Plat No. 12741 in Book 244, page 14 ("City Property"); and
37

38 **WHEREAS,** Fred Emerson Brooks and Suzanne L. Eichhorn own in fee simple real
39 property located at 15 Colonial Avenue in the City of Annapolis, more
40 particularly described in a deed dated February 25, 2000 recorded among
41 the land records of Anne Arundel County in liber 9676, page 434
42 ("Brooks/Eichhorn Property"); and
43

1 **WHEREAS,** in connection with the City's construction of the Knighton Parking Garage,
2 the City is seeking to acquire a certain portion of the Brooks/Eichhorn
3 Property to comply with certain real property set back requirements set forth
4 in the City Code; and
5

6 **WHEREAS,** Fred Emerson Brooks and Suzanne L. Eichhorn are willing to convey to the
7 City all right, title and interest they have in a certain portion of the
8 Brooks/Eichhorn Property, the total of which is 320 square feet, more or less,
9 the acquisition of which will allow the City to comply with the applicable set
10 back requirements set forth in the City Code, contingent, however, upon (1)
11 the City's conveyance to Fred Emerson Brooks and Suzanne L. Eichhorn of
12 all of its right, title and interest in a certain portion of the City Property, the
13 total of which is 3,300 square feet, more or less, and (2) the City's
14 agreement, by written instrument, to lease to Fred Emerson Brooks and
15 Suzanne L. Eichhorn for their use the entire 320 square foot area conveyed
16 to the City pursuant hereto; and
17

18 **WHEREAS,** both the City Property and the Brooks/Eichhorn Property and the portions
19 thereof to be conveyed pursuant hereto are reflected on an Exhibit Plat
20 prepared by C.D. Meekins and Associates, Inc., attached hereto; and
21

22 **WHEREAS,** the City property is not needed to complete construction of the Knighton
23 Parking Garage and is not needed for any other public use; and
24

25 **WHEREAS,** Article III, Section 7 of the City Charter requires the passage of an ordinance
26 approving the conveyance of any real property no longer needed for public
27 use.
28

29 **NOW, THEREFORE:**
30

31 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
32 **COUNCIL** that it hereby approves of the conveyance from the City, by special warranty
33 deed, to Fred Emerson Brooks and Suzanne L. Eichhorn, of all of its right, title and interest
34 of a certain portion of real property fronting partially on Colonial Avenue, the total of which
35 is 3,300 square feet, more or less, more particularly described as Lot 1 as shown on a plat
36 entitled "Knighton Parking Garage, Subdivision for the City of Annapolis" recorded among
37 the land records of Anne Arundel County, Maryland as Plat No. 12741 in Book 244, page
38 14, referred to above as the City Property, as reflected on the attached Exhibit Plat, subject
39 to the following conditions:
40

- 41 1. In exchange for the conveyance to them of the City Property, Fred Emerson

1 Brooks and Suzanne L. Eichhorn will convey to the City, by special warranty deed, all of
2 their right, title and interest in a certain portion of real property located at 15 Colonial
3 Avenue, the total of which is 320 square feet, more or less, more particularly described in
4 a deed dated February 25, 2000 recorded among the land records of Anne Arundel County
5 in liber 9676, page 434, referred to above as the Brooks/Eichhorn Property, as reflected
6 on the attached Exhibit Plat; and
7

8 2. The City, by written instrument prepared at City expense, will lease to Fred
9 Emerson Brooks and Suzanne L. Eichhorn, for their use, the entire 320 square foot area
10 of the Brooks/Eichhorn Property conveyed to the City pursuant hereto, without payment
11 of rent, provided that Fred Emerson Brooks and Suzanne L. Eichhorn will be responsible
12 for the repair and maintenance of the leased area; and
13

14 3. The City, at its expense, shall cause to be made, in recordable form by a
15 registered land surveyor, a metes and bounds survey description of the parcels of land
16 which are to be conveyed pursuant hereto; and
17

18 4. The City, at its expense, shall cause special warranty deeds to be prepared
19 for the conveyances pursuant hereto, and recorded at its expense among the land records
20 of Anne Arundel County, Maryland.
21

22 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
23 **ANNAPOLIS CITY COUNCIL** that it hereby finds that the City Property hereby approved
24 for conveyance by the City is no longer needed for any public purpose.
25

26 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
27 **ANNAPOLIS CITY COUNCIL** that the conveyances pursuant hereto are to be made at
28 private sale and that the properties which are the subject of these conveyances and lease
29 are as described in the proposed deeds and lease attached hereto and made a part
30 hereof.
31

32 **SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
33 **ANNAPOLIS CITY COUNCIL** **that the deeds conveying the property between the parties**
34 **shall be held by the City Attorney, subject to final approval of the garage design, and if the**
35 **design shall not require the conveyance described herein, the City Attorney shall return**
36 **the deeds to the grantors without execution or recordation and the conveyances described**
37 **herein shall not occur.**
38

~~SECTION IV:~~ SECTION V: AND BE IT FURTHER ESTABLISHED AND
ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect
from the date of its passage.

ADOPTED this 9th day of December, 2002.

ATTEST: THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, CMC/AAE
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:

Redlining indicates matter added to existing law.
~~Strike Out indicates matter deleted from existing law.~~
Underlining and redlining indicate amendments.